

§ 3321. Support services

(a) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services and assistance as the Commission may request.

(b) The Archivist of the United States shall provide to the Commission on a reimbursable basis such technical and expert advice, consultation, and support assistance as the Commission may request.

(Added Pub. L. 93-526, title II, §202, Dec. 19, 1974, 88 Stat. 1701.)

TERMINATION OF COMMISSION

For provision that Commission is to cease to exist sixty days after transmitting its report, see section 3323 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3315, 3317, 3319, 3320, 3324 of this title.

§ 3322. Report

The Commission shall transmit to the President and to each House of the Congress a report not later than March 31, 1977. Such report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation, administrative actions, and other actions, as it deems appropriate.

(Added Pub. L. 93-526, title II, §202, Dec. 19, 1974, 88 Stat. 1701; amended Pub. L. 94-261, §1(b), Apr. 11, 1976, 90 Stat. 326.)

AMENDMENTS

1976—Pub. L. 94-261 substituted “March 31, 1977” for “March 31, 1976”.

TERMINATION OF COMMISSION

For provision that Commission is to cease to exist sixty days after transmitting its report, see section 3323 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3315, 3317, 3319, 3320, 3323, 3324 of this title.

§ 3323. Termination

The Commission shall cease to exist sixty days after transmitting its report under section 3322 of this title.

(Added Pub. L. 93-526, title II, §202, Dec. 19, 1974, 88 Stat. 1701.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3315, 3317, 3319, 3320, 3324 of this title.

§ 3324. Authorization of appropriations

There is authorized to be appropriated such sums as may be necessary to carry out section 3315 through section 3324 of this title.

(Added Pub. L. 93-526, title II, §202, Dec. 19, 1974, 88 Stat. 1701.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3315, 3317, 3319, 3320 of this title.

CHAPTER 35—COORDINATION OF FEDERAL INFORMATION POLICY

Sec.	Purpose.
3501.	Definitions.
3502.	Office of Information and Regulatory Affairs.
3503.	Authority and functions of Director.
3504.	Assignment of tasks and deadlines.
3505.	Federal agency responsibilities.
3506.	Public information collection activities—sub-
3507.	mission to Director; approval and delega-
	tion.
3508.	Determination of necessity for information;
	hearing.
3509.	Designation of central collection agency.
3510.	Cooperation of agencies in making informa-
	tion available.
3511.	Establishment and operation of Federal Infor-
	mation Locator System.
3512.	Public protection.
3513.	Director review of agency activities; report-
	ing; agency response.
3514.	Responsiveness to Congress.
3515.	Administrative powers.
3516.	Rules and regulations.
3517.	Consultation with other agencies and the
	public.
3518.	Effect on existing laws and regulations.
3519.	Access to information.
3520.	Authorization of appropriations.

AMENDMENTS

1980—Pub. L. 96-511, §2(a), Dec. 11, 1980, 94 Stat. 2812, substituted in chapter heading “INFORMATION POLICY” for “REPORTING SERVICES”, and amended analysis generally.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 16 sections 1379, 1855; title 19 section 1330; title 20 section 9007; title 22 section 3145; title 29 sections 1535, 1751, 1752; title 31 section 3811; title 38 section 310; title 41 section 421; title 42 sections 1396r-8, 6924, 6992i, 7661f; title 49 sections 5107, 5108, 60108.

§ 3501. Purpose

The purpose of this chapter is—

(1) to minimize the Federal paperwork burden for individuals, small businesses, State and local governments, and other persons;

(2) to minimize the cost to the Federal Government of collecting, maintaining, using, and disseminating information;

(3) to maximize the usefulness of information collected, maintained, and disseminated by the Federal Government;

(4) to coordinate, integrate and, to the extent practicable and appropriate, make uniform Federal information policies and practices;

(5) to ensure that automatic data processing, telecommunications, and other information technologies are acquired and used by the Federal Government in a manner which improves service delivery and program management, increases productivity, improves the quality of decisionmaking, reduces waste and fraud, and wherever practicable and appropriate, reduces the information processing burden for the Federal Government and for persons who provide information to and for the Federal Government; and

(6) to ensure that the collection, maintenance, use and dissemination of information

by the Federal Government is consistent with applicable laws relating to confidentiality, including section 552a of title 5, United States Code, known as the Privacy Act.

(Added Pub. L. 96-511, §2(a), Dec. 11, 1980, 94 Stat. 2812, and Pub. L. 99-500, §101(m) [title VIII, §811], Oct. 18, 1986, 100 Stat. 1783-308, 1783-335, and Pub. L. 99-591, §101(m) [title VIII, §811], Oct. 30, 1986, 100 Stat. 3341-308, 3341-335.)

CODIFICATION

Pub. L. 99-591 is a corrected version of Pub. L. 99-500.

PRIOR PROVISIONS

A prior section 3501, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1302, related to information for Federal agencies, prior to the general amendment of this chapter by Pub. L. 96-511, §2(a).

AMENDMENTS

1986—Par. (3). Pub. L. 99-500 and Pub. L. 99-591, §101(m) [title VIII, §811(a)], amended par. (3) generally, substituting “collected, maintained, and disseminated” for “collected”.

Par. (5). Pub. L. 99-500 and Pub. L. 99-591, §101(m) [title VIII, §811(b)], amended par. (5) generally, substituting “, telecommunications, and other information” for “and telecommunications”, inserting “improves the quality of decisionmaking,”, and substituting “and for the Federal Government” for “the Federal Government”.

EFFECTIVE DATE

Section 5 of Pub. L. 96-511 provided: “This Act [enacting this chapter, amending sections 2904 and 2905 of this title, section 5315 of Title 5, Government Organization and Employees, section 1221-3 of Title 20, Education, section 1211 of Title 30, Mineral Lands and Mining, and section 292h of Title 42, The Public Health and Welfare, and enacting provisions set out as notes under sections 101 and 3503 of this title] shall take effect on April 1, 1981.”

WAIVER OF PAPERWORK REDUCTION

Pub. L. 101-508, title IV, §4711(f), Nov. 5, 1990, 104 Stat. 1388-187, provided that: “Chapter 35 of title 44, United States Code, and Executive Order 12291 [formerly set out as a note under section 601 of Title 5, Government Organization and Employees] shall not apply to information and regulations required for purposes of carrying out this Act [see Tables for classification] and implementing the amendments made by this Act.”

COMMISSION ON FEDERAL PAPERWORK

Pub. L. 93-556, §§1-9, Dec. 27, 1974, 88 Stat. 1789-1792, established a Commission on Federal Paperwork to re-examine Federal policies and procedures having an impact on the paperwork burden in order to ascertain necessary and desirable changes in information policies and practices. The Commission terminated in January 1978 after having submitted its final report.

§ 3502. Definitions

As used in this chapter—

(1) the term “agency” means any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency, but does not include the General Accounting Office, Federal Election Commission, the governments of the District of Columbia and of the territories and possessions of the United States, and their

various subdivisions, or Government-owned contractor-operated facilities including laboratories engaged in national defense research and production activities;

(2) the terms “automatic data processing,” “automatic data processing equipment,” and “telecommunications” do not include any data processing or telecommunications system or equipment, the function, operation or use of which—

(A) involves intelligence activities;

(B) involves cryptologic activities related to national security;

(C) involves the direct command and control of military forces;

(D) involves equipment which is an integral part of a weapon or weapons system; or

(E) is critical to the direct fulfillment of military or intelligence missions, provided that this exclusion shall not include automatic data processing or telecommunications equipment used for routine administrative and business applications such as payroll, finance, logistics, and personnel management;

(3) the term “burden” means the time, effort, or financial resources expended by persons to provide information to a Federal agency;

(4) the term “collection of information” means the obtaining or soliciting of facts or opinions by an agency through the use of written report forms, application forms, schedules, questionnaires, reporting or recordkeeping requirements, or other similar methods calling for either—

(A) answers to identical questions posed to, or identical reporting or recordkeeping requirements imposed on, ten or more persons, other than agencies, instrumentalities, or employees of the United States; or

(B) answers to questions posed to agencies, instrumentalities, or employees of the United States which are to be used for general statistical purposes;

(5) the term “data element” means a distinct piece of information such as a name, term, number, abbreviation, or symbol;

(6) the term “data element dictionary” means a system containing standard and uniform definitions and cross references for commonly used data elements;

(7) the term “data profile” means a synopsis of the questions contained in an information collection request and the official name of the request, the location of information obtained or to be obtained through the request, a description of any compilations, analyses, or reports derived or to be derived from such information, any record retention requirements associated with the request, the agency responsible for the request, the statute authorizing the request, and any other information necessary to identify, obtain, or use the data contained in such information;

(8) the term “Director” means the Director of the Office of Management and Budget;

(9) the term “directory of information resources” means a catalog of information collection requests, containing a data profile for each request;

(10) the term “independent regulatory agency” means the Board of Governors of the Federal Reserve System, the Commodity Futures Trading Commission, the Consumer Product Safety Commission, the Federal Communications Commission, the Federal Deposit Insurance Corporation, the Federal Energy Regulatory Commission, the the¹ Federal Housing Finance Board, the Federal Maritime Commission, the Federal Trade Commission, the Interstate Commerce Commission, the Mine Enforcement Safety and Health Review Commission, the National Labor Relations Board, the Nuclear Regulatory Commission, the Occupational Safety and Health Review Commission, the Postal Rate Commission, the Securities and Exchange Commission, and any other similar agency designated by statute as a Federal independent regulatory agency or commission;

(11) the term “information collection request” means a written report form, application form, schedule, questionnaire, reporting or recordkeeping requirement, collection of information requirement, or other similar method calling for the collection of information;

(12) the term “information referral service” means the function that assists officials and persons in obtaining access to the Federal Information Locator System;

(13) the term “information resources management” means the planning, budgeting, organizing, directing, training, promoting, controlling, and management activities associated with the burden, collection, creation, use, and dissemination of information by agencies, and includes the management of information and related resources such as automatic data processing equipment (as such term is defined in section 111(a) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(a)));

(14) the term “information systems” means management information systems;

(15) the term “person” means an individual, partnership, association, corporation, business trust, or legal representative, an organized group of individuals, a State, territorial, or local government or branch thereof, or a political subdivision of a State, territory, or local government or a branch of a political subdivision;

(16) the term “practical utility” means the ability of an agency to use information it collects, particularly the capability to process such information in a timely and useful fashion; and

(17) the term “recordkeeping requirement” means requirement imposed by an agency on persons to maintain specified records.

(Added Pub. L. 96-511, §2(a), Dec. 11, 1980, 94 Stat. 2813; amended Pub. L. 98-443, §9(h), Oct. 4, 1984, 98 Stat. 1708; Pub. L. 99-500, §101(m) [title VIII, §812], Oct. 18, 1986, 100 Stat. 1783-308, 1783-335, and Pub. L. 99-591, §101(m) [title VIII, §812], Oct. 30, 1986, 100 Stat. 3341-308, 3341-335; Pub. L. 101-73, title VII, §744(e), Aug. 9, 1989, 103 Stat. 438.)

¹ So in original.

CODIFICATION

Pub. L. 99-591 is a corrected version of Pub. L. 99-500.

PRIOR PROVISIONS

A prior section 3502, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1302; Pub. L. 93-153, title IV, §409(a), Nov. 16, 1973, 87 Stat. 593, defined “Federal agency”, “person”, and “information”, prior to the general amendment of this chapter by Pub. L. 96-511, §2(a).

AMENDMENTS

1989—Par. (10). Pub. L. 101-73 which directed the amendment of section 2(a)(10) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3502(a)(10)) by substituting “the Federal Housing Finance Board” for “Federal Home Loan Bank Board”, was executed to par. (10) to reflect the probable intent of Congress, because this section does not contain subsections and it was enacted by section 2(a) of the Paperwork Reduction Act of 1980, Pub. L. 96-511.

1986—Par. (11). Pub. L. 99-500 and Pub. L. 99-591, §101(m) [title VIII, §812(1)], inserted “collection of information requirement,” after “requirement.”.

Par. (13). Pub. L. 99-500 and Pub. L. 99-591, §101(m) [title VIII, §812(2), (3)], added par. (13) and redesignated former par. (13) as (14).

Pars. (14) to (17). Pub. L. 99-500 and Pub. L. 99-591, §101(m) [title VIII, §812(2)], redesignated pars. (13) to (16) as (14) to (17), respectively.

1984—Par. (10). Pub. L. 98-443 struck out “the Civil Aeronautics Board,” after “the Federal Reserve System.”.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-443 effective Jan. 1, 1985, see section 9(v) of Pub. L. 98-443, set out as a note under section 5314 of Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 15 section 278g-3; title 31 sections 1344, 3811; title 41 section 421; title 42 section 1320b-9.

§ 3503. Office of Information and Regulatory Affairs

(a) There is established in the Office of Management and Budget an office to be known as the Office of Information and Regulatory Affairs.

(b) There shall be at the head of the Office an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall delegate to the Administrator the authority to administer all functions under this chapter, except that any such delegation shall not relieve the Director of responsibility for the administration of such functions. The Administrator shall serve as principal adviser to the Director on Federal information policy and shall report directly to the Director.

(Added Pub. L. 96-511, §2(a), Dec. 11, 1980, 94 Stat. 2814; amended Pub. L. 99-500, §101(m) [title VIII, §813(a)], Oct. 18, 1986, 100 Stat. 1783-308, 1783-336, and Pub. L. 99-591, §101(m) [title VIII, §813(a)], Oct. 30, 1986, 100 Stat. 3341-308, 3341-336.)

CODIFICATION

Pub. L. 99-591 is a corrected version of Pub. L. 99-500.

PRIOR PROVISIONS

A prior section 3503, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1303, prescribed duties of Director of Bureau of

the Budget, prior to the general amendment of this chapter by Pub. L. 96-511, §2(a). See section 3504 of this title.

AMENDMENTS

1986—Subsec. (b). Pub. L. 99-500 and Pub. L. 99-591 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “There shall be at the head of the Office an Administrator who shall be appointed by, and who shall report directly to, the Director. The Director shall delegate to the Administrator the authority to administer all functions under this chapter, except that any such delegation shall not relieve the Director of responsibility for the administration of such functions. The Administrator shall serve as principal adviser to the Director on Federal information policy.”

EFFECTIVE DATE OF 1986 AMENDMENT

Section 101(m) [title VIII, §813(b)] of Pub. L. 99-500 and Pub. L. 99-591 provided that: “The amendment made by this section [amending this section], insofar as it relates to appointment of the Administrator of the Office of Information and Regulatory Affairs, shall take effect on the earlier of—

“(1) January 20, 1989; or

“(2) the date on which a vacancy in that Office first occurs after the date of enactment of this Act [Oct. 18, 1986].”

Amendment by Pub. L. 99-500 and Pub. L. 99-591, except as otherwise provided in section 101(m) [title VIII, §813(b)] of Pub. L. 99-500 and Pub. L. 99-591, effective Oct. 18, 1986, see section 101(m) [title VIII, §833] of Pub. L. 99-500 and Pub. L. 99-591, set out as a note under section 757 of Title 40, Public Buildings, Property, and Works.

DELEGATION OF OTHER FUNCTIONS TO ADMINISTRATOR

Section 3 of Pub. L. 96-511, as amended Pub. L. 97-258, §5(b), Sept. 13, 1982, 96 Stat. 1083; Pub. L. 99-500, §101(m) [title VIII, §821(b)(3)], Oct. 18, 1986, 100 Stat. 1783-308, 1783-342, and Pub. L. 99-591, §101(m) [title VIII, §821(b)(3)], Oct. 30, 1986, 100 Stat. 3341-308, 3341-342, provided:

“(a) Repealed]

“(b) The Director of the Office of Management and Budget shall delegate to the Administrator for the Office of Information and Regulatory Affairs all functions, authority, and responsibility of the Director under section 552a of title 5, United States Code, under Executive Order 12046 [Ex. Ord. No. 12046, Mar. 27, 1978, 43 F.R. 14193, set out as a note under section 305 of Title 47, Telegraphs, Telephones, and Radiotelegraphs] and Reorganization Plan No. 1 for telecommunications [probably means Reorg. Plan No. 1 of 1970, 35 F.R. 6421, 84 Stat. 2083, set out in the Appendix to Title 5, Government Organization and Employees], and under sections 110 and 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759) [40 U.S.C. 757, 759].”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 31 section 505.

§ 3504. Authority and functions of Director

(a) The Director shall develop and implement Federal information policies, principles, standards, and guidelines and shall provide direction and oversee the review and approval of information collection requests, the reduction of the paperwork burden, Federal statistical activities, records management activities, privacy and security of records, agency sharing and dissemination of information, and acquisition and use of automatic data processing, telecommunications, and other information technology for managing information resources. The authority of the Director under this section shall be exercised consistent with applicable law.

(b) The general information policy functions of the Director shall include—

(1) developing and implementing uniform and consistent information resources management policies and overseeing the development of information management principles, standards, and guidelines and promoting their use;

(2) initiating and reviewing proposals for changes in legislation, regulations, and agency procedures to improve information practices, and informing the President and the Congress on the progress made therein;

(3) coordinating, through the review of budget proposals and as otherwise provided in this section, agency information practices;

(4) promoting, through the use of the Federal Information Locator System, the review of budget proposals and other methods, greater sharing of information by agencies;

(5) evaluating agency information management practices to determine their adequacy and efficiency, and to determine compliance of such practices with the policies, principles, standards, and guidelines promulgated by the Director; and

(6) overseeing planning for, and conduct of research with respect to, Federal collection, processing, storage, transmission, and use of information.

(c) The information collection request clearance and other paperwork control functions of the Director shall include—

(1) reviewing and approving information collection requests proposed by agencies;

(2) determining whether the collection of information by an agency is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility for the agency;

(3) ensuring that all information collection requests—

(A) are inventoried, display a control number and, when appropriate, an expiration date;

(B) indicate the request is in accordance with the clearance requirements of section 3507; and

(C) contain a statement to inform the person receiving the request why the information is being collected, how it is to be used, and whether responses to the request are voluntary, required to obtain a benefit, or mandatory;

(4) designating as appropriate, in accordance with section 3509, a collection agency to obtain information for two or more agencies;

(5) setting goals for reduction of the burdens of Federal information collection requests;

(6) overseeing action on the recommendations of the Commission on Federal Paperwork; and

(7) designing and operating, in accordance with section 3511, the Federal Information Locator System.

(d) The statistical policy and coordination functions of the Director shall include—

(1) developing and periodically reviewing and, as necessary, revising long-range plans for the improved coordination and performance of the statistical activities and programs of the Federal Government;

(2) reviewing budget proposals of agencies to assure that the proposals are consistent with such long-range plans;

(3) coordinating, through the review of budget proposals and as otherwise provided in this chapter, the functions of the Federal Government with respect to gathering, interpreting, and disseminating statistics and statistical information;

(4) developing and implementing Government-wide policies, principles, standards, and guidelines concerning statistical collection procedures and methods, statistical data classification, statistical information presentation and dissemination, and such statistical data sources as may be required for the administration of Federal programs;

(5) evaluating statistical program performance and agency compliance with Government-wide policies, principles, standards, and guidelines;

(6) integrating the functions described in paragraphs (1) through (5) of this subsection with the other information resources management functions specified in this chapter; and

(7) appointing a chief statistician who is a trained and experienced professional statistician to carry out the functions described in paragraphs (1) through (6) of this subsection.

(e) The records management functions of the Director shall include—

(1) providing advice and assistance to the Archivist of the United States and the Administrator of General Services in order to promote coordination in the administration of chapters 29, 31, and 33 of this title with the information policies, principles, standards, and guidelines established under this chapter;

(2) reviewing compliance by agencies with the requirements of chapters 29, 31, and 33 of this title and with regulations promulgated by the Archivist of the United States and the Administrator of General Services thereunder; and

(3) coordinating records management policies and programs with related information programs such as information collection, statistics, automatic data processing and telecommunications, and similar activities.

(f) The privacy functions of the Director shall include—

(1) developing and implementing policies, principles, standards, and guidelines on information disclosure and confidentiality, and on safeguarding the security of information collected or maintained by or on behalf of agencies;

(2) providing agencies with advice and guidance about information security, restriction, exchange, and disclosure; and

(3) monitoring compliance with section 552a of title 5, United States Code, and related information management laws.

(g) The Federal automatic data processing (including telecommunications) functions of the Director shall include—

(1) developing and implementing policies, principles, standards, and guidelines for automatic data processing (including telecommunications) functions and activities of

the Federal Government, and overseeing the establishment of standards under section 111(d) of the Federal Property and Administrative Services Act of 1949;

(2) monitoring the effectiveness of, and compliance with, directives issued pursuant to sections 110 and 111 of such Act of 1949 and reviewing proposed determinations under section 111(e) of such Act;

(3) providing advice and guidance on the acquisition and use of automatic data processing (including telecommunications) equipment, and coordinating, through the review of budget proposals and other methods, agency proposals for acquisition and use of such equipment;

(4) promoting the use of automatic data processing (including telecommunications) equipment by the Federal Government to improve the effectiveness of the use and dissemination of data in the operation of Federal programs; and

(5) initiating and reviewing proposals for changes in legislation, regulations, and agency procedures to improve automatic data processing (including telecommunications) practices, and informing the President and the Congress of the progress made therein.

(h)(1) As soon as practicable, but no later than publication of a notice of proposed rulemaking in the Federal Register, each agency shall forward to the Director a copy of any proposed rule which contains a collection of information requirement and upon request, information necessary to make the determination required pursuant to this section.

(2) Within sixty days after the notice of proposed rulemaking is published in the Federal Register, the Director may file public comments pursuant to the standards set forth in section 3508 on the collection of information requirement contained in the proposed rule.

(3) When a final rule is published in the Federal Register, the agency shall explain how any collection of information requirement contained in the final rule responds to the comments, if any, filed by the Director or the public, or explain why it rejected those comments.

(4) The Director has no authority to disapprove any collection of information requirement specifically contained in an agency rule, if he has received notice and failed to comment on the rule within sixty days of the notice of proposed rulemaking.

(5) Nothing in this section prevents the Director, in his discretion—

(A) from disapproving any information collection request which was not specifically required by an agency rule;

(B) from disapproving any collection of information requirement contained in an agency rule, if the agency failed to comply with the requirements of paragraph (1) of this subsection; or¹

(C) from disapproving any collection of information requirement contained in a final agency rule, if the Director finds within sixty days of the publication of the final rule that

¹ So in original. The word "or" probably should not appear.

the agency's response to his comments filed pursuant to paragraph (2) of this subsection was unreasonable.²

(D) from disapproving any collection of information requirement where the Director determines that the agency has substantially modified in the final rule the collection of information requirement contained in the proposed rule where the agency has not given the Director the information required in paragraph (1), with respect to the modified collection of information requirement, at least sixty days before the issuance of the final rule.

(6) The Director shall make publicly available any decision to disapprove a collection of information requirement contained in an agency rule, together with the reasons for such decision.

(7) The authority of the Director under this subsection is subject to the provisions of section 3507(c).

(8) This subsection shall apply only when an agency publishes a notice of proposed rule-making and requests public comments.

(9) There shall be no judicial review of any kind of the Director's decision to approve or not to act upon a collection of information requirement contained in an agency rule.

(Added Pub. L. 96-511, §2(a), Dec. 11, 1980, 94 Stat. 2815; amended Pub. L. 98-497, title I, §107(b)(26), Oct. 19, 1984, 98 Stat. 2291; Pub. L. 99-500, §101(m) [title VIII, §§814, 821(b)(2)], Oct. 18, 1986, 100 Stat. 1783-308, 1783-336, 1783-342, and Pub. L. 99-591, §101(m) [title VIII, §§814, 821(b)(2)], Oct. 30, 1986, 100 Stat. 3341-308, 3341-336, 3341-342.)

REFERENCES IN TEXT

Section 111 of the Federal Property and Administrative Services Act of 1949, referred to in subsec. (g)(1), (2), is classified to section 759 of Title 40, Public Buildings, Property, and Works.

Section 110 of the Federal Property and Administrative Services Act of 1949, referred to in subsec. (g)(2), is classified to section 757 of Title 40.

CODIFICATION

Pub. L. 99-591 is a corrected version of Pub. L. 99-500.

PRIOR PROVISIONS

A prior section 3504, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1303, provided for designation of a central collection agency, prior to the general amendment of this chapter by Pub. L. 96-511, §2(a). See section 3509 of this title.

Provisions similar to those comprising this section were contained in former section 3503 prior to the general amendment of this chapter by Pub. L. 96-511, §2(a).

AMENDMENTS

1986—Subsec. (a). Pub. L. 99-500 and Pub. L. 99-591, §101(m) [title VIII, §814(a)], amended subsec. (a) generally, substituting “and security of records, agency sharing and dissemination of information, and acquisition and use of automatic data processing, telecommunications, and other information technology for managing information resources. The authority of the Director” for “of records, interagency sharing of information, and acquisition and use of automatic data processing telecommunications, and other technology for managing information resources. The authority”.

Subsec. (d). Pub. L. 99-500 and Pub. L. 99-591, §101(m) [title VIII, §814(b)], amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: “The statistical policy and coordination functions of the Director shall include—

“(1) developing long range plans for the improved performance of Federal statistical activities and programs;

“(2) coordinating, through the review of budget proposals and as otherwise provided in this section, the functions of the Federal Government with respect to gathering, interpreting, and disseminating statistics and statistical information;

“(3) developing and implementing Government-wide policies, principles, standards, and guidelines concerning statistical collection procedures and methods, statistical data classifications, and statistical information presentation and dissemination; and

“(4) evaluating statistical program performance and agency compliance with Government-wide policies, principles, standards, and guidelines.”

Subsec. (g). Pub. L. 99-500 and Pub. L. 99-591, §101(m) [title VIII, §821(b)(2)], substituted “section 111(d)” for “section 111(f)” in par. (1) and “section 111(e)” for “section 111(g)” in par. (2).

Pub. L. 99-500 and Pub. L. 99-591, §101(m) [title VIII, §814(c)], substituted “(including telecommunications)” for “and telecommunications” in introductory provisions and in pars. (1), (3), (4), and (5).

1984—Subsec. (e)(1), (2). Pub. L. 98-497 inserted “the Archivist of the United States and” before “the Administrator of General Services” wherever appearing.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by section 101(m) [title VIII, §814] of Pub. L. 99-500 and Pub. L. 99-591 effective Oct. 18, 1986, and amendment by section 101(m) [title VIII, §821(b)(2)] of Pub. L. 99-500 and Pub. L. 99-591 effective Jan. 1, 1987, see section 101(m) [title VIII, §833] of Pub. L. 99-500 and Pub. L. 99-591, set out as a note under section 757 of Title 40, Public Buildings, Property, and Works.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3507, 3514 of this title; title 41 section 421; title 42 section 13271.

§ 3505. Assignment of tasks and deadlines

In carrying out the functions under this chapter, the Director shall—

(1) upon enactment of this Act—

(A) set a goal to reduce the then existing burden of Federal collections of information by 15 per centum by October 1, 1982; and

(B) for the year following, set a goal to reduce the burden which existed upon enactment by an additional 10 per centum;

(2) within one year after the effective date of this Act—

(A) establish standards and requirements for agency audits of all major information systems and assign responsibility for conducting Government-wide or multiagency audits, except the Director shall not assign such responsibility for the audit of major information systems used for the conduct of criminal investigations or intelligence activities as defined in section 4-206 of Executive Order 12036, issued January 24, 1978, or successor orders, or for cryptologic activities that are communications security activities;

² So in original. The period probably should be “; or”.

(B) establish the Federal Information Locator System;

(C) identify areas of duplication in information collection requests and develop a schedule and methods for eliminating duplication;

(D) develop a proposal to augment the Federal Information Locator System to include data profiles of major information holdings of agencies (used in the conduct of their operations) which are not otherwise required by this chapter to be included in the System; and

(E) identify initiatives which may achieve a 10 per centum reduction in the burden of Federal collections of information associated with the administration of Federal grant programs;

(3) within two years after the effective date of this Act—

(A) establish a schedule and a management control system to ensure that practices and programs of information handling disciplines, including records management, are appropriately integrated with the information policies mandated by this chapter;

(B) identify initiatives to improve productivity in Federal operations using information processing technology;

(C) develop a program to (i) enforce Federal information processing standards, particularly software language standards, at all Federal installations; and (ii) revitalize the standards development program established pursuant to section 759(f)(2) of title 40, United States Code, separating it from peripheral technical assistance functions and directing it to the most productive areas;

(D) complete action on recommendations of the Commission on Federal Paperwork by implementing, implementing with modification or rejecting such recommendations including, where necessary, development of legislation to implement such recommendations;

(E) develop and annually revise, in consultation with the Administrator of General Services, a 5-year plan for meeting the automatic data processing equipment (including telecommunications) and other information technology needs of the Federal Government in accordance with the requirements of sections 110 and 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757, 759) and the purposes of this chapter; and

(F) submit to the President and the Congress legislative proposals to remove inconsistencies in laws and practices involving privacy, confidentiality, and disclosure of information;

(4) upon the enactment of the Paperwork Reduction Reauthorization Act of 1986—

(A) set a goal to reduce, by September 30, 1987, the burden of Federal collections of information existing on September 30, 1986, by at least 5 percent; and

(B) for the fiscal year beginning on October 1, 1987, and each of the next two fiscal years, set a goal to reduce the burden of Fed-

eral collections of information existing at the end of the immediately preceding fiscal year by at least 5 percent;

(5) maintain a comprehensive set of information resources management policies; and

(6) within one year after the date of enactment of the Paperwork Reduction Reauthorization Act of 1986—

(A) issue, in consultation with the Administrator of General Services, principles, standards, and guidelines to implement the policies described in paragraph (5);

(B) report to the Congress on the feasibility and means of enhancing public access, including access by electronic media, to information relating to information collection requests required by this chapter to be made available to the public; and

(C) identify further initiatives to reduce the burden of Federal collections of information associated with the administration of Federal grant programs.

(Added Pub. L. 96-511, §2(a), Dec. 11, 1980, 94 Stat. 2818; amended Pub. L. 99-500, §101(m) [title VIII, §815], Oct. 18, 1986, 100 Stat. 1783-308, 1783-337, and Pub. L. 99-591, §101(m) [title VIII, §815], Oct. 30, 1986, 100 Stat. 3341-308, 3341-337.)

REFERENCES IN TEXT

Upon enactment of this Act and upon enactment, referred to in par. (1) and (1)(B), means the date of enactment of Pub. L. 96-511, which was approved Dec. 11, 1980.

The effective date of this Act, referred to in pars. (2) and (3), is Apr. 1, 1981. See section 5 of Pub. L. 96-511, set out as an Effective Date note under section 3501 of this title.

Executive Order 12036, Jan. 24, 1978, 43 F.R. 3674, referred to in par. (2)(A), was revoked by Ex. Ord. No. 12333, Dec. 4, 1981, 46 F.R. 59941, set out under section 401 of Title 50, War and National Defense. "Intelligence activities" is defined in section 3.4(e) of Ex. Ord. No. 12333.

Enactment of the Paperwork Reduction Reauthorization Act of 1986 and the date of enactment of the Paperwork Reduction Reauthorization Act of 1986, referred to in pars. (4) and (6), mean the date of enactment of section 101(m) [title VIII] of Pub. L. 99-500 and Pub. L. 99-591, which was approved Oct. 18, 1986.

CODIFICATION

Pub. L. 99-591 is a corrected version of Pub. L. 99-500.

PRIOR PROVISIONS

A prior section 3505, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1303, prohibited independent collection by an agency, prior to the general amendment of this chapter by Pub. L. 96-511, §2(a). See section 3509 of this title.

AMENDMENTS

1986—Par. (2)(E). Pub. L. 99-500 and Pub. L. 99-591, §101(m) [title VIII, §815(1)], substituted "programs;" for "programs; and".

Par. (3)(E). Pub. L. 99-500 and Pub. L. 99-591, §101(m) [title VIII, §815(2)], amended subpar. (E) generally. Prior to amendment, subpar. (E) read as follows: "develop, in consultation with the Administrator of General Services, a five-year plan for meeting the automatic data processing and telecommunications needs of the Federal Government in accordance with the requirements of section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759) and the purposes of this chapter; and".

Pars. (4) to (6). Pub. L. 99-500 and Pub. L. 99-591, §101(m) [title VIII, §815(3), (4)], added pars. (4) to (6).

COMPUTER SYSTEM SECURITY PLAN TO BE INCLUDED IN FIVE-YEAR PLAN

A summary of each Federal agency's plan for security and privacy of each Federal computer system identified by that agency as containing sensitive information to be included in agency's five-year plan required by this section, see section 6 of Pub. L. 100-235, set out as a Computer Security note under section 759 of Title 40, Public Buildings, Property, and Works.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3514 of this title.

§ 3506. Federal agency responsibilities

(a) Each agency shall be responsible for carrying out its information management activities in an efficient, effective, and economical manner, and for complying with the information policies, principles, standards, and guidelines prescribed by the Director.

(b) The head of each agency shall designate, within three months after the effective date of this Act, a senior official or, in the case of military departments, and the Office of the Secretary of Defense, officials who report directly to such agency head to carry out the responsibilities of the agency under this chapter. If more than one official is appointed for the military departments the respective duties of the officials shall be clearly delineated.

(c) Each agency shall—

(1) systematically inventory its major information systems and periodically review its information resources management activities;

(2) ensure its information systems do not overlap each other or duplicate the systems of other agencies;

(3) develop procedures for assessing the paperwork and reporting burden of proposed legislation affecting such agency;

(4) assign to the official designated under subsection (b) the responsibility for the conduct of and accountability for any acquisitions made pursuant to a delegation of authority under section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759);

(5) ensure that information collection requests required by law or to obtain a benefit, and submitted to nine or fewer persons, contain a statement to inform the person receiving the request that the request is not subject to the requirements of section 3507 of this chapter; and¹

(6) implement applicable Government-wide and agency information policies, principles, standards, and guidelines with respect to information collection, paperwork reduction, statistical activities, records management activities, privacy and security of records, sharing and dissemination of information, acquisition and use of information technology, and other information resource management functions;

(7) periodically evaluate and, as needed, improve, the accuracy, completeness, and reliability of data and records contained within Federal information systems; and

(8) develop and annually revise a 5-year plan, in accordance with appropriate guidance pro-

vided by the Director, for meeting the agency's information technology needs.

(d) The head of each agency shall establish such procedures as necessary to ensure the compliance of the agency with the requirements of the Federal Information Locator System, including necessary screening and compliance activities.

(Added Pub. L. 96-511, §2(a), Dec. 11, 1980, 94 Stat. 2819; amended Pub. L. 99-500, §101(m) [title VIII, §816], Oct. 18, 1986, 100 Stat. 1783-308, 1783-338, and Pub. L. 99-591, §101(m) [title VIII, §816], Oct. 30, 1986, 100 Stat. 3341-308, 3341-338.)

REFERENCES IN TEXT

The effective date of this Act, referred to in subsec. (b), is Apr. 1, 1981. See section 5 of Pub. L. 96-511, set out as an Effective Date note under section 3501 of this title.

CODIFICATION

Pub. L. 99-591 is a corrected version of Pub. L. 99-500.

PRIOR PROVISIONS

A prior section 3506, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1303, provided for determination of necessity for information and hearing thereon, prior to the general amendment of this chapter by Pub. L. 96-511, §2(a). See section 3508 of this title.

AMENDMENTS

1986—Subsec. (c)(1). Pub. L. 99-500 and Pub. L. 99-591, §101(m) [title VIII, §816(1)], added par. (1) and struck out former par. (1) which read as follows: "systematically inventory its major information systems and periodically review its information management activities, including planning, budgeting, organizing, directing, training, promoting, controlling, and other managerial activities involving the collection, use, and dissemination of information;"

Subsec. (c)(6) to (8). Pub. L. 99-500 and Pub. L. 99-591, §101(m) [title VIII, §816(2) to (4)], added pars. (6) to (8).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3507, 3513 of this title; title 38 sections 308, 310; title 40 section 759.

§ 3507. Public information collection activities—submission to Director; approval and delegation

(a) An agency shall not conduct or sponsor the collection of information unless, in advance of the adoption or revision of the request for collection of such information—

(1) the agency has taken actions, including consultation with the Director, to—

(A) eliminate, through the use of the Federal Information Locator System and other means, information collections which seek to obtain information available from another source within the Federal Government;

(B) reduce to the extent practicable and appropriate the burden on persons who will provide information to the agency; and

(C) formulate plans for tabulating the information in a manner which will enhance its usefulness to other agencies and to the public;

(2) the agency (A) has submitted to the Director the proposed information collection request, copies of pertinent regulations and

¹ So in original. The word "and" probably should not appear.

other related materials as the Director may specify, and an explanation of actions taken to carry out paragraph (1) of this subsection, and (B) has prepared a notice to be published in the Federal Register stating that the agency has made such submission and setting forth a title for the information collection request, a brief description of the need for the information and its proposed use, a description of the likely respondents and proposed frequency of response to the information collection request, and an estimate of the burden that will result from the information collection request; and

(3) the Director has approved the proposed information collection request, or the period for review of information collection requests by the Director provided under subsection (b) has elapsed.

(b) The Director shall, within sixty days of receipt of a proposed information collection request, notify the agency involved of the decision to approve or disapprove the request and shall make such decisions, including an explanation thereof, publicly available. If the Director determines that a request submitted for review cannot be reviewed within sixty days, the Director may, after notice to the agency involved, extend the review period for an additional thirty days. If the Director does not notify the agency of an extension, denial, or approval within sixty days (or, if the Director has extended the review period for an additional thirty days and does not notify the agency of a denial or approval within the time of the extension), a control number shall be assigned without further delay, the approval may be inferred, and the agency may collect the information for not more than one year.

(c) Any disapproval by the Director, in whole or in part, of a proposed information collection request of an independent regulatory agency, or an exercise of authority under section 3504(h) or 3509 concerning such an agency, may be voided, if the agency by a majority vote of its members overrides the Director's disapproval or exercise of authority. The agency shall certify each override to the Director, shall explain the reasons for exercising the override authority. Where the override concerns an information collection request, the Director shall without further delay assign a control number to such request, and such override shall be valid for a period of three years.

(d) The Director may not approve an information collection request for a period in excess of three years.

(e) If the Director finds that a senior official of an agency designated pursuant to section 3506(b) is sufficiently independent of program responsibility to evaluate fairly whether proposed information collection requests should be approved and has sufficient resources to carry out this responsibility effectively, the Director may, by rule in accordance with the notice and comment provisions of chapter 5 of title 5, United States Code, delegate to such official the authority to approve proposed requests in specific program areas, for specific purposes, or for all agency purposes. A delegation by the Director under this section shall not preclude the Director from reviewing individual information col-

lection requests if the Director determines that circumstances warrant such a review. The Director shall retain authority to revoke such delegations, both in general and with regard to any specific matter. In acting for the Director, any official to whom approval authority has been delegated under this section shall comply fully with the rules and regulations promulgated by the Director.

(f) An agency shall not engage in a collection of information without obtaining from the Director a control number to be displayed upon the information collection request.

(g) If an agency head determines a collection of information (1) is needed prior to the expiration of the sixty-day period for the review of information collection requests established pursuant to subsection (b), (2) is essential to the mission of the agency, and (3) the agency cannot reasonably comply with the provisions of this chapter within such sixty-day period because (A) public harm will result if normal clearance procedures are followed, or (B) an unanticipated event has occurred and the use of normal clearance procedures will prevent or disrupt the collection of information related to the event or will cause a statutory deadline to be missed, the agency head may request the Director to authorize such collection of information prior to expiration of such sixty-day period. The Director shall approve or disapprove any such authorization request within the time requested by the agency head and, if approved, shall assign the information collection request a control number. Any collection of information conducted pursuant to this subsection may be conducted without compliance with the provisions of this chapter for a maximum of ninety days after the date on which the Director received the request to authorize such collection.

(h) Any written communication to the Administrator of the Office of Information and Regulatory Affairs or to any employee thereof from any person not employed by the Federal Government or from an agency concerning a proposed information collection request, and any written communication from the Administrator or employee of the Office to such person or agency concerning such proposal, shall be made available to the public. This subsection shall not require the disclosure of any information which is protected at all times by procedures established for information which has been specifically authorized under criteria established by an Executive order or an Act of Congress to be kept secret in the interest of national defense or foreign policy.

(Added Pub. L. 96-511, §2(a), Dec. 11, 1980, 94 Stat. 2819; amended Pub. L. 99-500, §101(m) [title VIII, §817], Oct. 18, 1986, 100 Stat. 1783-308, 1783-338, and Pub. L. 99-591, §101(m) [title VIII, §817], Oct. 30, 1986, 100 Stat. 3341-308, 3341-338.)

CODIFICATION

Pub. L. 99-591 is a corrected version of Pub. L. 99-500.

PRIOR PROVISIONS

A prior section 3507, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1304, provided for cooperation of agencies in making information available, prior to the general amendment of this chapter by Pub. L. 96-511, §2(a). See section 3510(a) of this title.

AMENDMENTS

1986—Subsec. (a)(2)(B). Pub. L. 99-500 and Pub. L. 99-591, § 101(m) [title VIII, § 817(a)], inserted before the semicolon “and setting forth a title for the information collection request, a brief description of the need for the information and its proposed use, a description of the likely respondents and proposed frequency of response to the information collection request, and an estimate of the burden that will result from the information collection request”.

Subsec. (b). Pub. L. 99-500 and Pub. L. 99-591, § 101(m) [title VIII, § 817(b)], inserted “, including an explanation thereof,” after “decisions” in first sentence.

Subsec. (h). Pub. L. 99-500 and Pub. L. 99-591, § 101(m) [title VIII, § 817(c)], added subsec. (h).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3504, 3506, 3509, 3514 of this title; title 41 section 421; title 42 section 242k.

§ 3508. Determination of necessity for information; hearing

Before approving a proposed information collection request, the Director shall determine whether the collection of information by an agency is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility. Before making a determination the Director may give the agency and other interested persons an opportunity to be heard or to submit statements in writing. To the extent, if any, that the Director determines that the collection of information by an agency is unnecessary, for any reason, the agency may not engage in the collection of the information.

(Added Pub. L. 96-511, § 2(a), Dec. 11, 1980, 94 Stat. 2821.)

PRIOR PROVISIONS

A prior section 3508, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1304, related to unlawful disclosure of information, penalties, and release of information to other agencies, prior to the general amendment of this chapter by Pub. L. 96-511, § 2(a). See section 3510(b) of this title.

Provisions similar to those comprising this section were contained in former section 3506 prior to the general amendment of this chapter by Pub. L. 96-511, § 2(a).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3504 of this title.

§ 3509. Designation of central collection agency

The Director may designate a central collection agency to obtain information for two or more agencies if the Director determines that the needs of such agencies for information will be adequately served by a single collection agency, and such sharing of data is not inconsistent with any applicable law. In such cases the Director shall prescribe (with reference to the collection of information) the duties and functions of the collection agency so designated and of the agencies for which it is to act as agent (including reimbursement for costs). While the designation is in effect, an agency covered by it may not obtain for itself information which it is the duty of the collection agency to obtain. The Director may modify the designation from time to time as circumstances require. The authority herein is subject to the provisions of section 3507(c) of this chapter.

(Added Pub. L. 96-511, § 2(a), Dec. 11, 1980, 94 Stat. 2821.)

PRIOR PROVISIONS

A prior section 3509, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1304, related to plans or forms for collecting information, submission to Director, and his approval, prior to the general amendment of this chapter by Pub. L. 96-511, § 2(a).

Provisions similar to those comprising this section were contained in former sections 3504 and 3505 prior to the general amendment of this chapter by Pub. L. 96-511, § 2(a).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3504, 3507 of this title; title 42 section 242k.

§ 3510. Cooperation of agencies in making information available

(a) The Director may direct an agency to make available to another agency, or an agency may make available to another agency, information obtained pursuant to an information collection request if the disclosure is not inconsistent with any applicable law.

(b) If information obtained by an agency is released by that agency to another agency, all the provisions of law (including penalties which relate to the unlawful disclosure of information) apply to the officers and employees of the agency to which information is released to the same extent and in the same manner as the provisions apply to the officers and employees of the agency which originally obtained the information. The officers and employees of the agency to which the information is released, in addition, shall be subject to the same provisions of law, including penalties, relating to the unlawful disclosure of information as if the information had been collected directly by that agency.

(Added Pub. L. 96-511, § 2(a), Dec. 11, 1980, 94 Stat. 2822.)

PRIOR PROVISIONS

A prior section 3510, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1305, authorized promulgation of rules and regulations, prior to the general amendment of this chapter by Pub. L. 96-511, § 2(a). See section 3516 of this title.

Provisions similar to those comprising this section were contained in prior sections 3507 and 3508(a) prior to the general amendment of this chapter by Pub. L. 96-511, § 2(a).

§ 3511. Establishment and operation of Federal Information Locator System

(a) There is established in the Office of Information and Regulatory Affairs a Federal Information Locator System (hereafter in this section referred to as the “system”) which shall be composed of a directory of information resources, a data element dictionary, and an information referral service. The system shall serve as the authoritative register of all information collection requests, and shall be designed so as to assist agencies and the public in locating existing Government information derived from information collection requests.

(b) In designing and operating the System, the Director shall—

(1) design and operate an indexing system for the System;

(2) require the head of each agency to prepare in a form specified by the Director, and to submit to the Director for inclusion in the System, a data profile for each information collection request of such agency;

(3) compare data profiles for proposed information collection requests against existing profiles in the System, and make available the results of such comparison to—

(A) agency officials who are planning new information collection activities; and

(B) on request, members of the general public; and

(4) ensure that no actual data, except descriptive data profiles necessary to identify duplicative data or to locate information, are contained within the System.

(Added Pub. L. 96-511, §2(a), Dec. 11, 1980, 94 Stat. 2822; amended Pub. L. 99-500, §101(m) [title VIII, §818], Oct. 18, 1986, 100 Stat. 1783-308, 1783-339, and Pub. L. 99-591, §101(m) [title VIII, §818], Oct. 30, 1986, 100 Stat. 3341-308, 3341-339.)

CODIFICATION

Pub. L. 99-591 is a corrected version of Pub. L. 99-500.

PRIOR PROVISIONS

A prior section 3511, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1305, provided for penalty for failure to furnish information, prior to the general amendment of this chapter by Pub. L. 96-511, §2(a).

AMENDMENTS

1986—Subsec. (a). Pub. L. 99-500 and Pub. L. 99-591 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “There is established in the Office of Information and Regulatory Affairs a Federal Information Locator System (hereafter in this section referred to as the ‘System’) which shall be composed of a directory of information resources, a data element dictionary, and an information referral service. The System shall serve as the authoritative register of all information collection requests.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3504 of this title.

§ 3512. Public protection

Notwithstanding any other provision of law, no person shall be subject to any penalty for failing to maintain or provide information to any agency if the information collection request involved was made after December 31, 1981, and does not display a current control number assigned by the Director, or fails to state that such request is not subject to this chapter.

(Added Pub. L. 96-511, §2(a), Dec. 11, 1980, 94 Stat. 2822.)

PRIOR PROVISIONS

A prior section 3512, added Pub. L. 93-153, title IV, §409(b), Nov. 16, 1973, 87 Stat. 593, related to information for independent regulatory agencies, prior to the general amendment of this chapter by Pub. L. 96-511, §2(a).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 15 section 57b-2; title 31 section 3811.

§ 3513. Director review of agency activities; reporting; agency response

(a) The Director shall, with the advice and assistance of the Administrator of General Serv-

ices and the Archivist of the United States, selectively review, at least once every three years, the information management activities of each agency to ascertain their adequacy and efficiency. In evaluating the adequacy and efficiency of such activities, the Director shall pay particular attention to whether the agency has complied with section 3506.

(b) The Director shall report the results of the reviews to the appropriate agency head, the House Committee on Government Operations, the Senate Committee on Governmental Affairs, the House and Senate Committees on Appropriations, and the committees of the Congress having jurisdiction over legislation relating to the operations of the agency involved.

(c) Each agency which receives a report pursuant to subsection (b) shall, within sixty days after receipt of such report, prepare and transmit to the Director, the House Committee on Government Operations, the Senate Committee on Governmental Affairs, the House and Senate Committees on Appropriations, and the committees of the Congress having jurisdiction over legislation relating to the operations of the agency, a written statement responding to the Director's report, including a description of any measures taken to alleviate or remove any problems or deficiencies identified in such report.

(Added Pub. L. 96-511, §2(a), Dec. 11, 1980, 94 Stat. 2822; amended Pub. L. 98-497, title I, §107(b)(27), Oct. 19, 1984, 98 Stat. 2291.)

AMENDMENTS

1984—Subsec. (a). Pub. L. 98-497 inserted “the Archivist of the United States” after “Administrator of General Services”.

CHANGE OF NAME

Committee on Government Operations of House of Representatives changed to Committee on Government Reform and Oversight of House of Representatives by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

§ 3514. Responsiveness to Congress

(a) The Director shall keep the Congress and its committees fully and currently informed of the major activities under this chapter, and shall submit a report thereon to the President of the Senate and the Speaker of the House of Representatives annually and at such other times as the Director determines necessary. The Director shall include in any such report—

(1) proposals for legislative action needed to improve Federal information management, including, with respect to information collection, recommendations to reduce the burden on individuals, small businesses, State and local governments, and other persons;

(2) a compilation of legislative impediments to the collection of information which the Director concludes that an agency needs but does not have authority to collect;

(3) an analysis by agency, and by categories the Director finds useful and practicable, de-

scribing the estimated reporting hours required of persons by information collection requests, including to the extent practicable the direct budgetary costs of the agencies and identification of statutes and regulations which impose the greatest number of reporting hours;

(4) a summary of accomplishments and planned initiatives to reduce burdens of Federal information collection requests;

(5) a tabulation of areas of duplication in agency information collection requests identified during the preceding year and efforts made to preclude the collection of duplicate information, including designations of central collection agencies;

(6) a list of each instance in which an agency engaged in the collection of information under the authority of section 3507(g) and an identification of each agency involved;

(7) a list of all violations of provisions of this chapter and rules, regulations, guidelines, policies, and procedures issued pursuant to this chapter;

(8) with respect to recommendations of the Commission on Federal Paperwork—

(A) a description of the specific actions taken on or planned for each recommendation;

(B) a target date for implementing each recommendation accepted but not implemented; and

(C) an explanation of the reasons for any delay in completing action on such recommendations;

(9)(A) a summary of accomplishments in the improvement of, and planned initiatives to improve, Federal information resources management within agencies;

(B) a detailed statement with respect to each agency of new initiatives to acquire information technology to improve such management; and

(C) an analysis of the extent to which the policies, principles, standards, and guidelines issued and maintained pursuant to paragraphs (5) and (6) of section 3505 of this title promote or deter such new initiatives; and

(10) with respect to the statistical policy and coordination functions described in section 3504(d) of this title—

(A) a description of the specific actions taken, or planned to be taken, to carry out each such function;

(B) a description of the status of each major statistical program, including information on—

(i) any improvements in each such program;

(ii) any program which has been reduced or eliminated; and

(iii) the budget for each such program for the previous fiscal year and the fiscal year in progress and the budget proposed for each such program for the next fiscal year; and

(C) a description and summary of the long-range plans currently in effect for the major Federal statistical activities and programs.

(b) The preparation of any report required by this section shall not increase the collection of

information burden on persons outside the Federal Government.

(Added Pub. L. 96-511, §2(a), Dec. 11, 1980, 94 Stat. 2823, and Pub. L. 99-500, §101(m) [title VIII, §819], Oct. 18, 1986, 100 Stat. 1783-308, 1783-339, and Pub. L. 99-591, §101(m) [title VIII, §819], Oct. 30, 1986, 100 Stat. 3341-308, 3341-339.)

CODIFICATION

Pub. L. 99-591 is a corrected version of Pub. L. 99-500.

AMENDMENTS

1986—Subsec. (a)(9), (10). Pub. L. 99-500 and Pub. L. 99-591 added pars. (9) and (10).

§ 3515. Administrative powers

Upon the request of the Director, each agency (other than an independent regulatory agency) shall, to the extent practicable, make its services, personnel, and facilities available to the Director for the performance of functions under this chapter.

(Added Pub. L. 96-511, §2(a), Dec. 11, 1980, 94 Stat. 2824.)

§ 3516. Rules and regulations

The Director shall promulgate rules, regulations, or procedures necessary to exercise the authority provided by this chapter.

(Added Pub. L. 96-511, §2(a), Dec. 11, 1980, 94 Stat. 2824.)

PRIOR PROVISIONS

Provisions similar to those comprising this section were contained in former section 3510 prior to the general amendment of this chapter by Pub. L. 96-511, §2(a).

§ 3517. Consultation with other agencies and the public

In development of information policies, plans, rules, regulations, procedures, and guidelines and in reviewing information collection requests, the Director shall provide interested agencies and persons early and meaningful opportunity to comment.

(Added Pub. L. 96-511, §2(a), Dec. 11, 1980, 94 Stat. 2824.)

§ 3518. Effect on existing laws and regulations

(a) Except as otherwise provided in this chapter, the authority of an agency under any other law to prescribe policies, rules, regulations, and procedures for Federal information activities is subject to the authority conferred on the Director by this chapter.

(b) Nothing in this chapter shall be deemed to affect or reduce the authority of the Secretary of Commerce or the Director of the Office of Management and Budget pursuant to Reorganization Plan No. 1 of 1977 (as amended) and Executive order, relating to telecommunications and information policy, procurement and management of telecommunications and information systems, spectrum use, and related matters.

(c)(1) Except as provided in paragraph (2), this chapter does not apply to the collection of information—

(A) during the conduct of a Federal criminal investigation or prosecution, or during the disposition of a particular criminal matter;

(B) during the conduct of (i) a civil action to which the United States or any official or agency thereof is a party or (ii) an administrative action or investigation involving an agency against specific individuals or entities;

(C) by compulsory process pursuant to the Antitrust Civil Process Act and section 13 of the Federal Trade Commission Improvements Act of 1980; or

(D) during the conduct of intelligence activities as defined in section 4-206 of Executive Order 12036, issued January 24, 1978, or successor orders, or during the conduct of cryptologic activities that are communications security activities.

(2) This chapter applies to the collection of information during the conduct of general investigations (other than information collected in an antitrust investigation to the extent provided in subparagraph (C) of paragraph (1)) undertaken with reference to a category of individuals or entities such as a class of licensees or an entire industry.

(d) Nothing in this chapter shall be interpreted as increasing or decreasing the authority conferred by Public Law 89-306 on the Administrator of the General Services Administration, the Secretary of Commerce, or the Director of the Office of Management and Budget.

(e) Nothing in this chapter shall be interpreted as increasing or decreasing the authority of the President, the Office of Management and Budget or the Director thereof, under the laws of the United States, with respect to the substantive policies and programs of departments, agencies and offices, including the substantive authority of any Federal agency to enforce the civil rights laws.

(Added Pub. L. 96-511, §2(a), Dec. 11, 1980, 94 Stat. 2824.)

REFERENCES IN TEXT

Reorganization Plan No. 1 of 1977, referred to in subsec. (b), is set out in the Appendix to Title 5, Government Organization and Employees.

Executive order, referred to in subsec. (b), probably means Ex. Ord. No. 12046, Mar. 27, 1978, 43 F.R. 13349, which is set out under section 305 of Title 47, Telegraphs, Telephones, and Radiotelegraphs.

The Antitrust Civil Process Act, referred to in subsec. (c)(1)(C), is Pub. L. 87-664, Sept. 19, 1962, 76 Stat. 548, as amended, which is classified generally to chapter 34 (§1311 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 1311 of Title 15 and Tables.

Section 13 of the Federal Trade Commission Improvements Act of 1980, referred to in subsec. (c)(1)(C), is classified to section 57b-1 of Title 15, Commerce and Trade.

Executive Order 12036, Jan. 24, 1978, 43 F.R. 3674, referred to in subsec. (c)(1)(D), was revoked by Ex. Ord. No. 12333, Dec. 4, 1981, 46 F.R. 59941, set out under section 401 of Title 50, War and National Defense. "Intelligence activities" is defined in section 3.4(e) of Ex. Ord. No. 12333.

Public Law 89-306, referred to in subsec. (d), is Pub. L. 89-306, Oct. 30, 1965, 79 Stat. 1127, which enacted section 759 of Title 40, Public Buildings, Property, and Works.

The civil rights laws, referred to in subsec. (e), are classified generally to chapter 21 (§1981 et seq.) of Title 42, The Public Health and Welfare.

§ 3519. Access to information

Under the conditions and procedures prescribed in section 716 of title 31, the Director and personnel in the Office of Information and Regulatory Affairs shall furnish such information as the Comptroller General may require for the discharge of his responsibilities. For this purpose, the Comptroller General or representatives thereof shall have access to all books, documents, papers and records of the Office.

(Added Pub. L. 96-511, §2(a), Dec. 11, 1980, 94 Stat. 2825; amended Pub. L. 97-258, §3(m)(3), Sept. 13, 1982, 96 Stat. 1066.)

AMENDMENTS

1982—Pub. L. 97-258 substituted "section 716 of title 31" for "section 313 of the Budget and Accounting Act of 1921, as amended".

§ 3520. Authorization of appropriations

(a) Subject to subsection (b), there are authorized to be appropriated to the Office of Information and Regulatory Affairs to carry out the provisions of this chapter, and for no other purpose, \$5,500,000 for each of the fiscal years 1987, 1988, and 1989.

(b) No funds may be appropriated pursuant to subsection (a) unless such funds are appropriated in an appropriation Act (or continuing resolution) which separately and expressly states the amount appropriated pursuant to subsection (a) of this section. No funds are authorized to be appropriated to the Office of Information and Regulatory Affairs, or to any other officer or administrative unit of the Office of Management and Budget, to carry out the provisions of this chapter, or to carry out any function under this chapter, for any fiscal year pursuant to any provision of law other than subsection (a) of this section.

(c) Funds appropriated pursuant to subsection (a) may not be used to carry out any function or activity which is not specifically authorized or required by this chapter, but funds so appropriated may be used for necessary expenses of a function or activity which is so authorized or required, such as hire of passenger motor vehicles and services authorized by section 3109 of title 5, United States Code. For the purposes of this subsection, the review of a rule or regulation is specifically authorized or required by this chapter only to the extent that such review is for the sole purpose of reviewing an information collection request contained in, or derived from, such rule or regulation.

(Added Pub. L. 96-511, §2(a), Dec. 11, 1980, 94 Stat. 2825; amended Pub. L. 99-500, §101(m) [title VIII, §820], Oct. 18, 1986, 100 Stat. 1783-308, 1783-340, and Pub. L. 99-591, §101(m) [title VIII, §820], Oct. 30, 1986, 100 Stat. 3341-308, 3341-340.)

CODIFICATION

Pub. L. 99-591 is a corrected version of Pub. L. 99-500.

AMENDMENTS

1986—Pub. L. 99-500 and Pub. L. 99-591 amended section generally. Prior to amendment, section read as follows: "There are hereby authorized to be appropriated to carry out the provisions of this chapter, and for no other purpose, sums—

“(1) not to exceed \$8,000,000 for the fiscal year ending September 30, 1981;

“(2) not to exceed \$8,500,000 for the fiscal year ending September 30, 1982; and

“(3) not to exceed \$9,000,000 for the fiscal year ending September 30, 1983.”

CHAPTER 37—ADVERTISEMENTS BY GOVERNMENT AGENCIES

- Sec.
3701. Advertisements for contracts in District of Columbia.
3702. Advertisements not to be published without written authority.
3703. Rate of payment for advertisements, notices, and proposals.

§ 3701. Advertisements for contracts in District of Columbia

Advertisements for contracts for the public service may not be published in any newspaper published and printed in the District of Columbia unless the supplies or labor covered by the advertisement are to be furnished or performed in the District of Columbia or in the adjoining counties of Maryland or Virginia.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1305.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 321 (R.S. § 79; June 20, 1874, ch. 328, 18 Stat. 90; Feb. 18, 1875, ch. 80, § 1, 18 Stat. 317; July 31, 1876, ch. 246, 19 Stat. 105; Aug. 2, 1946, ch. 744, § 17(b), 60 Stat. 811; 1950 Reorg. Plan No. 20, § 2(b), eff. May 24, 1950, 15 F.R. 3178, 64 Stat. 1272).

CROSS REFERENCES

Procurement procedures, advertising requirements, see section 253 of Title 41, Public Contracts.

Quality of quantities of paper for public printing, advertisements for proposals, see section 509 of this title.
Specifications in advertisements for paper, see section 510 of this title.

§ 3702. Advertisements not to be published without written authority

Advertisements, notices, or proposals for an executive department of the Government, or for a bureau or office connected with it, may not be published in a newspaper except under written authority from the head of the department; and a bill for advertising or publication may not be paid unless there is presented with the bill a copy of the written authority.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1305.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 324 (R.S. § 3828).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 5 section 302; title 22 section 2126.

§ 3703. Rate of payment for advertisements, notices, and proposals

Advertisements, notices, proposals for contracts, and all forms of advertising required by law for the several departments of the Government may be paid for at a price not to exceed the commercial rates charged to private individuals, with the usual discounts. But the heads of the several departments may secure lower terms at special rates when the public interest re-

quires it. The rates shall include the furnishing of lawful evidence, under oath, of publication, to be made and furnished by the printer or publisher making publication.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1305.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., §§ 322, 325 (R.S. § 853; June 20, 1878, ch. 359, § 1, 20 Stat. 216; Sept. 23, 1950, ch. 1010, § 5, 64 Stat. 986).

The second sentence of former section 325 was added. The balance was superseded by former section 322 which will be found in section 3703 of the revision.

CHAPTER 39—GOVERNMENT PRINTING OFFICE: OFFICE OF INSPECTOR GENERAL

- Sec.
3901. Purpose and establishment of the Office of Inspector General.
3902. Appointment of Inspector General; supervision; removal.
3903. Duties, responsibilities, authority, and reports.

§ 3901. Purpose and establishment of the Office of Inspector General

In order to create an independent and objective office—

(1) to conduct and supervise audits and investigations relating to the Government Printing Office;

(2) to provide leadership and coordination and recommend policies to promote economy, efficiency, and effectiveness; and

(3) to provide a means of keeping the Public Printer and the Congress fully and currently informed about problems and deficiencies relating to the administration and operations of the Government Printing Office;

there is hereby established an Office of Inspector General in the Government Printing Office.

(Added Pub. L. 100-504, title II, § 202, Oct. 18, 1988, 102 Stat. 2530.)

EFFECTIVE DATE

Section 206 of title II of Pub. L. 100-504 provided that: “The provisions of this title and the amendments made by this title [enacting this chapter and provisions set out as notes under sections 101 and 3901 of this title] shall take effect 180 days after the date of the enactment of this title [Oct. 18, 1988].”

SHORT TITLE

For short title of title II of Pub. L. 100-504, which enacted this chapter, as the “Government Printing Office Inspector General Act of 1988”, see section 201 of Pub. L. 100-504, set out as a Short Title of 1988 Amendment note under section 101 of this title.

TRANSFER OF OFFICE

Section 203 of title II of Pub. L. 100-504 provided that: “(a) IN GENERAL.—There is transferred to the Office of Inspector General established pursuant to this title [enacting this chapter and provisions set out as notes under sections 101 and 3901 of this title], the office of the Government Printing Office referred to as the ‘Office of Inspector General’.

“(b) RELATED PROVISIONS.—With respect to such transferred office—

“(1) sections 9(b) and (c) of the Inspector General Act of 1978 [section 9(b), (c) of Pub. L. 95-452, 5 U.S.C. App.] shall apply; and

“(2) all the functions, powers, and duties of the office transferred by subsection (a) shall lapse.